1944 K **File No.** O. Societies Regis./44

Legal Department

A **BRANCH**

Subject:— Opinions under the Societies Registration Act

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File No. O. Societies Regis/44

Gen. 194 a.

247-A

C O N T E N T S.

Legal Department File No: O.Societies Regn. /44.

Sr.No.	R.I./O.No.	Subject	Pages
		Opinions under the Societies Registration Act. 1860.	
1.	1776 7-3-44	Re: Procedure in respect of change in the name change in the objects and change in the Rule and Regulations to be followed by certain Society.	1-2
2.	4561 /44 4424 23-6-44	Question whether the view that the societies Registration Act. 1860 does n not authorise the Registrar of companies to cancel/ the registration of the society on the ground that its present activities are beyond the scope of the Act, is correct.	3-6

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Answers to the questions raised by the Registrar of Companies are as follows:-

Questions.	Answers.
(1) Whether Societies may freely change their name.	(1) Yes, if their rules permit it.
(2) If so, is there any particular procedure necessary?	(2) Procedure for changing names is a matter for the determination of the particular Society. It is a matter outside the scope of the Societies Registration Act.
(3) Is the Registrar required to register such change of name and issue a certificate of registration of such change ?	(3) The change should be taken on record. It is not necessary to issue a fresh certificate. The Society, ~~although its~~ same Society, although its name has been changed and its first certificate of registration is sufficient.
(4) Is the Registrar required to register a notice of change ~~afxmatixxxfixhangx~~ of objects and take such changed objects on record ?	(4) The Registrar should take the change of object on record.
(5) If so, has he any right to see whether such objects fall within the scope of the Act ?	(5) Yes.
(6) In case he finds that the changed objects go beyond the purview of the Act, what is his duty?	(6) He should refuse to take the object on record. The Society may approach the Civil Court for an order.
(7) Can A socoety change its Rules and Regulations ? If so, under which particular section ?	(7) Usually the Rules and Regulations themselves provide for change. It is a matter outside the scope of the Societies Registration Act.
(8) Should all changes in rules also be registered by the ~~Regd~~ Registrar?	(8) Yes.
(9) Would an object like "Safeguarding the rights and interests of the Parsi Community" fall within the purview of the Societies	(9) No

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Questions	Answers:
Registration Act?	
(10) Would such activities as Apposing Prohibition or fighting for changes in Municipal franchise come within the scope of the Act ?	(10) No.

Sd/-P.N.Mocs
6-3-43

O.C. Remembrancer of Legal Affairs.

U.R. to F.D.,No. 1876 , dated the 7th March 1944.

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Submitted.

2. The Kanara Catholic Association, Bombay, is a Society registered under the Societies Registration Act, 1860. It appears that due to differences that have arisen between the members of the Association it has been divided into two different parties both of which continue to complain to the Registrar of Companies, Bombay about the alleged illegal acts committed in carrying out the various objects of the Association. On Mr. A.J.Saldanha in particular has referred to certain irregularities the chief of them being t-hat the said Association is carrying on activities which are beyond the scope of the Act and that the Association's rules and regulations were passed at a meeting which was convened without giving due notice and at which some of the members present where not entitled to vote as their subscription was in arrears. Further Mr. Saldanha has now raised various objections regarding the validity of Annudal General Meeting of the said Association held on 30th April 1944. He also alleges that the election of the Governming Body of the Association on that date i.e. 30th April 1944 is not in accordance with the rules and regulations of the Association and requests that as the Association has also taken upon itself the work of the economic uplift of the Catholic Community (which is ultra vires the Act,) the registration of the Association under the Societies Regulation Act, 1860 should be cancelled. It is stated in the para 3 of the F.D. office note at 36 ante that the Societies Registration Act, 1860 not authorise tthe Registrar of Companies to cancel the registration of the society on the ground that its present activities are beyond the scope of the Act and to interfere in the matter complained of by Mr. Saldanha who should bring these irregularities to the notice of a Court of Law to enforce the provisionsof the Societies Regulation Act, 1860. The R.L.A. is requested to advise whether this

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this view is correct

3. There appears no provision in the Societies Registration Act, 1860, empowering the Registrar of Companies to check the activities of an association registered under the said Act when the same are beyond the scop authorised by the Act. It is clear that the Association has taken up activities such as economic uplift of the catholic Community (which is prohibited under the Act being related to financial matters). For this kxxxxk breach as well as for other similar breaches of procedure to be observed when holding meetings as well as elections, the Registrar of Companies cannot intervene and remedy irregularities. It is only Court of Law that can set the matters right; it is however for the members concerned to move the Court. Under the Act as it stands at present Registrar of Companies has no authority whatsoever to cancel the registration of the Association on the ground that the Association is working beyond its authorised scope under the Act. The view taken by F.D. in para 3 of its note at p. 36 ante is correct.

Id/-S.A.V.
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S.A.S . Reply may be as at A.

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A.L.R. I agree

Sd/R.S.H.
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R.L.A. I agree

P.N.Moos
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The view taken by F.D. in para 3 of its office note at page 36 ante is correct.

O.C. Sd/-F.N.Moos
22-6-44

Remembrancer of Legal Affairs.

U.R. to F.D.,No. 4424. dated the 23rd June 1944.

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